

PROB12C
(6/16)

Report Date: May 3, 2021

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**May 04, 2021**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Dan Elliott Ochs Case Number: 0980 2:11CR00026-WFN-1
Address of Offender: Spokane, Washington 99202
Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge
Date of Original Sentence: October 26, 2011
Original Offense: Possession of Child Pornography, 18 U.S.C. § 2252A(a)(5)(B)
Original Sentence: Prison - 120 months Type of Supervision: Supervised Release
TSR - Life
Asst. U.S. Attorney: James A. Goeke Date Supervision Commenced: July 19, 2019
Defense Attorney: Federal Defenders Office Date Supervision Expires: Life

PETITIONING THE COURT

To issue a **warrant** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 10/9/2020, 10/23/2020, 11/5/2020, 2/12/2021, and 3/3/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Special Condition #32: You must reside in a residential reentry center (RRC) for a period up to 180 days at the direction of the supervising officer. Your participation in the programs offered by the RRC is limited to employment, education, treatment, and religious services at the direction of the supervising officer. You must abide by the rules and requirements of the facility.

Supporting Evidence: The offender is alleged to have violated special condition 32, by being terminating from the RRC based on his failure to abide by the RRC rules and requirements, on May 3, 2021.

On March 23, 2021, Mr. Ochs appeared before the Court for his scheduled revocation hearing. At that time, his conditions of supervision were modified to include placement at the RRC for a period of up to 180 days. Additionally, it was ordered that he abide by the rules and requirements of the facility.

On May 3, 2021, the undersigned officer received email correspondence from the RRC director indicating the offender's placement at the RRC was terminated effective this same date. According to the director, on May 3, 2021, he witnessed Mr. Ochs cursing at an RRC

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staff member. When Mr. Ochs was instructed to stop cursing, he proceeded to walk over to the staff member in a threatening manner and said “fuck you”. Based on his threatening behavior, his placement at the RRC was terminated.

- 13 **Special Condition #30:** You shall be prohibited from possessing or manufacturing any material, including videos, magazines, photographs, computer-generated depictions, or any other media that depict sexually explicit conduct involving children or adults, as defined at 18 U.S.C. § 2256(2). Neither shall you enter any establishment involved in the sex industry, including but not limited to adult bookstores, massage parlors, and strip clubs. You shall not utilize any sex-related adult telephone numbers. The supervising officer is authorized to monitor compliance in this area by obtaining relative records including but not limited to telephone, Internet, credit cards and bank statements.

Supporting Evidence: The offender is alleged to have violated special condition number 30, by accessing sexually explicit material on April 16, and April 19, 2021.

On July 19, 2019, the offender reported to the U.S. Probation Office for his scheduled intake appointment. At that time, his conditions of supervision were reviewed and he signed said conditions acknowledging he understood his requirements. Specifically, he was made aware by his supervising officer that he was prohibited from accessing sexually explicit material.

On April 22, 2021, the undersigned officer reviewed the offender’s weekly Covenant Eyes report, which identified a concerning screen shot viewed on April 16, 2021. The image appeared to depict a nude female with her legs spread open. The report also included several random screen shots taken from Mr. Ochs’ telephone. Upon further review, the probation officer identified one additional image viewed by the offender on April 19, 2021, that appeared to depict a naked female.

On April 22, 2021, this officer contacted Mr. Ochs to discuss the aforementioned images. He admitted the images were sexually explicit; however, he denied viewing them intentionally. Upon further discussion, Mr. Ochs admitted he encountered the image from April 19, 2021, after entering “camel toe” into his web search browser.

- 14 **Special Condition #31:** You must actively participate and successfully complete an approved state-certified sex offender treatment program. You must follow all lifestyle restrictions and treatment requirements of the program. You must participate in special testing in the form of polygraphs, in order to measure compliance with the treatment program requirements. You must allow reciprocal release of information between the supervising officer and the treatment provider. You must pay for treatment and testing according to your ability.

Supporting Evidence: The offender is alleged to have violated special condition number 31, by violating his sex offender treatment contract on April 16, and April 19, 2021.

On July 19, 2019, the offender reported to the U.S. Probation Office for his scheduled intake appointment. At that time, his conditions of supervision were reviewed and he signed said conditions acknowledging he understood his requirements. Specifically, he was made aware by his supervising officer that he must abide by the requirements of his sex offender treatment program.

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As previously noted, Mr. Ochs admitted to viewing sexually explicit images on April 16, and April 19, 2021. The undersigned officer contacted his sex offender therapist, Priscilla Hannon, who advised the above-referenced behavior constitutes a violation of his treatment contract.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a **warrant**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 3, 2021

s/Lori Cross

Lori Cross

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

5/4/2021

Date